

32B-1-303 Qualifications related to employment with the department.

- (1) The department may not employ a person if that person has been convicted of:
 - (a) a felony under a federal law or state law;
 - (b) a violation of a federal law, state law, or local ordinance concerning the sale, offer for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic product;
 - (c) a crime involving moral turpitude; or
 - (d) on two or more occasions within the five years before the day on which the department employs the person, driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs.
- (2) The director may terminate a department employee or take other disciplinary action consistent with Title 67, Chapter 19, Utah State Personnel Management Act, if:
 - (a) after the day on which the department employs the department employee, the department employee is found to have been convicted of an offense described in Subsection (1) before being employed by the department; or
 - (b) on or after the day on which the department employs the department employee, the department employee:
 - (i) is convicted of an offense described in Subsection (1)(a), (b), or (c); or
 - (ii)
 - (A) is convicted of driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs; and
 - (B) was convicted of driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs within five years before the day on which the person is convicted of the offense described in Subsection (2)(b)(ii)(A).
- (3) The director may immediately suspend a department employee for the period during which a criminal matter is being adjudicated if the department employee:
 - (a) is arrested on a charge for an offense described in Subsection (1)(a), (b), or (c); or
 - (b)
 - (i) is arrested on a charge for the offense of driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs; and
 - (ii) was convicted of driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs within five years before the day on which the person is arrested on a charge described in Subsection (3)(b)(i).

Enacted by Chapter 276, 2010 General Session